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IN THE UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA
34 United States of America,
5 Plaintiff,
67 vs.
89 Robert Allen Pooley,
10 Defendant.
11Sacramento, California
No. 2:21-cr-00111
Fri., May 24, 2024
10:56 a.m.
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1314 PARTIAL TRANSCRIPT OF JURY TRIAL
15 BEFORE THE HONORABLE WILLIAM B. SHUBB, SENIOR JUDGE
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1718 APPEARANCES:
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20 For the Plaintiff:

21 United States Attorney
501 I Street, Suite 10-100
Sacramento, California 95814
By: Katherine Lydon
Dhruv M. Sharma
Assistants U.S. Attorney
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23 For the Defendant:

24 Office of the Federal
Defender
801 I Street, 3rd Floor
Sacramento, California 95814
By: Mia Crager
Meghan McLoughlin
Assistants Federal Defender
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26 Official Court Reporter:

27 Kimberly M. Bennett,
CSR, RPR, RMR, CRR
501 I Street
Sacramento, CA 95814
2829 Proceedings recorded by mechanical stenography, transcript
30 produced by computer-aided transcription
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1 (Prior proceedings held.)

2 (Jury not present, 11:09 a.m.)

3 THE COURT: I don't know of any better time to
4 finally rule upon the motions for judgment of acquittal which
5 I've had more time to think about since the arguments at the
6 conclusion of the case. And I didn't grant the motion with
7 respect to Counts 4 and 6 at the time it was made because I
8 wanted to wait to see whether the jury would convict on those
9 counts. But the jury has now convicted on those counts and I
10 don't want to prolong or to distort the proceedings by having
11 the probation officer create a report that assumes convictions
12 on those counts if I'm going to grant the motion for judgment
13 of acquittal.

14 By not granting it earlier, my understanding of the law is
15 that I preserved the right of the government to appeal. I
16 could have granted the motions and it would be my understanding
17 that if I did so before the jury returned its verdict, the
18 government could not appeal and the government could not
19 recharge those counts, and that would be the end of it. So
20 whether you may agree with me or not, I think I did the
21 government a favor by not ruling when I could have earlier.

22 But for the reasons that Ms. Crager stated in her
23 arguments, both written and the oral arguments to the Court,
24 the Court finds that there is insufficient evidence to sustain
25 a conviction on Counts 4 and 6 of the indictment. So the Court

1 grants the motion for judgment of acquittal on each of those
2 counts.

3 Now, with regard to the remaining counts, this matter is
4 referred to the probation officer for presentence report. The
5 matter will be continued to August the 26th, if that's
6 convenient to both sides, at 9:00 a.m.

7 MS. LYDON: Thank you, Your Honor.

8 MS. CRAGER: Yes, Your Honor. That's fine.

9 And I did just want to state that we do intend to renew the
10 Rule 29 motion, at least to Count 5, and we intend to do so in
11 writing.

12 THE COURT: All right. I guess I can't stop you.

13 MS. CRAGER: August 26th, Your Honor?

14 THE COURT: Yes.

15 But you're kind of defeating the -- my purpose stated a
16 moment ago. I don't want the probation officer to prepare a
17 report on counts that are ultimately going to be dismissed. I
18 don't think I'm going to dismiss Count 5, but I can't stop you
19 from filing the motion.

20 MS. CRAGER: Yes, Your Honor. We could push out the
21 date a couple of weeks.

22 THE COURT: What do you mean push it out?

23 MS. CRAGER: The August 26th date. We intend to file
24 a written motion soon.

25 THE COURT: Would you rather keep the August 26th

1 date or push it out?

2 MS. LYDON: Let's keep it. I think Your Honor knows
3 the evidence and --

4 THE COURT: We'll keep it in there.

5 So, Mr. Pooley, a report is going to be prepared now by a
6 probation officer in order to assist the Court in determining
7 the sentence in your case. You're going to be asked to give
8 information to the probation officer in connection with that
9 report. If you wish to have Ms. Crager or Ms. McLoughlin with
10 you when you talk to the probation officer, you may have one or
11 both of them present.

12 You're ordered to be back here in this court at 9:00 a.m.
13 on August the 26th for judgment and sentence.

14 Is there anything else at this time?

15 MS. LYDON: No. Thank you, Your Honor.

16 MR. SHARMA: No. Thank you, Your Honor.

17 THE COURT: All right.

18 (Proceedings adjourned, 11:13 a.m.)

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20 I certify that the foregoing is a correct transcript from the
21 record of proceedings in the above-entitled matter.

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23 /s/ Kimberly M. Bennett
24 KIMBERLY M. BENNETT
CSR No. 8953, RPR, CRR, RMR

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